

**Advisory Action**Application No.  
**09/009,320**Applicant(s)  
**Arquilevich et al**Examiner  
**Frederick E. Cooperrider**Group Art Unit  
**2723****THE PERIOD FOR RESPONSE: [check only a) or b)]**

- a) ☐ expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Dec 22, 1999 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☒ will not be entered because:
- ☒ they raise new issues that would require further consideration and/or search. (See note below).
  - ☐ they raise the issue of new matter. (See note below).
  - ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See the attached letter.

- ☐ Applicant's response has overcome the following rejection(s):

- ☒ Newly proposed or amended claims 6 and 8 would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: 15-24

Claims objected to: 6 and 8

Claims rejected: 1, 4, 5, 7, and 9-14

- ☐ The proposed drawing correction filed on \_\_\_\_\_ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Other

Proposed amended claims 6 and 8 are allowable.


Proposed amended claim 12 creates new issues and would be rejected as being obvious over the prior art. Applicant agrees that DeLacy teaches paper thickness as affecting banding and then asserts that paper finish is not mentioned. The examiner would contend that DeLacy is evidence that media thickness is a parameter known in the art to affect banding and that it would be obvious to a person having ordinary skill in the art to recognize that other parameters including finish would likewise affect banding.

The applicant traverses the rejection of the other claims by arguing that DeLacy fails to teach the test plot having a plurality of non-overlapping areas, each area being a common image.” The rejection is not based on the feature in DeLacy of closely-spaced demarcations being printed on the edge of the media. Rather, it is based on the description in column 11 lines 45-53 in which the stepping distance is adjusted, presumably as a calibration procedure during manufacturing. Such calibration inherently involves adjustment of the amplifier gain (line 47) and such adjustment is interpreted as meaning that the calibrator systematically varies the gain and ultimately selects the one that provides the best stepping distance to eliminate banding. Each adjustment trial involves printing out a swath pattern (the common image) and the calibrator would routinely advance the paper so that each trial result is separated from the previous swath pattern (the plurality of non-overlapping areas).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick E. Cooperrider whose telephone number is (703) 305-2918. The examiner can normally be reached on Tuesday - Friday from 6:30 AM - 4:00 PM and on alternate Mondays from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (703) 308 - 6604. The fax phone number for the organization where this application is assigned is (703) 306 - 5406 or (703) 308 - 5397.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 - 3800/4700.

  
Amelia Au  
Supervisory Patent Examiner  
Technology Center 2700